

**IN THE CLAIMS:**

Amend the claims as follows.

Claims 1-42 (Canceled).

43. (Previously Amended) A method of treating a metastatic tumour which occurs in but does not originate from the central nervous system of a human comprising intratumoral or intracranial injection of an <sup>x</sup>avirulent herpes simplex virus type 1 (HSV-1) *which has reduced neurovirulence compared to wt* said avirulent HSV-1 consisting of an HSV-1 genome which is mutated in the  $\gamma$ 34.5 *only* gene so as to become a non-functional  $\gamma$ 34.5 gene, wherein the avirulent HSV-1 <sup>SAID</sup> infects and replicates within the tumor cells of the tumor.

44. (Previously Added) A method according to claim 43 wherein the metastatic tumor occurs in the brain.

45. (Previously Added) A method according to claim 44 wherein the metastatic tumor is a metastasised melanoma.

Claim 46 (Canceled).

47. (Previously Added) A method according to claim 43 wherein the mutant virus is a herpes simplex virus type 1 which has been modified by deletion within the BamHI s restriction fragment of the R<sub>L</sub> terminal repeat.

Claims 48-50 (Canceled).

51. (Previously Added) A method according to claim 43 wherein the mutant virus is strain 1716.

Claims 52-58 (Canceled).

59. (new) A method of treating a metastatic tumor which occurs in but does not originate from the central nervous system of a human comprising intratumoral or intracranial injection of an avirulent mutant herpes simplex virus type I (HSV-1), wherein the mutation consists essentially of a non-functional  $\gamma$ 34.5 gene, and wherein the avirulent HSV-1 infects and replicates within the tumor cells.

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